

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW D. GOODRICH,

Plaintiff,

v.

Case No. 2:08-CV-13664

HOWARD V. TYREE, ET AL.,

Defendants.

**ORDER REJECTING PLAINTIFF'S OBJECTIONS
AND AFFIRMING MAGISTRATE JUDGE**

Plaintiff Matthew D. Goodrich has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. The court referred the hearing and determination of any pretrial matters, including discovery disputes, to Magistrate Judge Donald A. Scheer on November 4, 2008. (11/4/08 Order ¶ 2.) Plaintiff has filed two motions to compel certain discovery, a motion for assistance in obtaining medical records, and a motion for the appointment of counsel. On March 4, 2009, the magistrate judge denied Plaintiff's motions and Plaintiff filed an appeal entitled "Objections to . . . Order Denying Plaintiff's Motions to Compel Discovery, Seek Assistance, and to Appoint Counsel."

Objections, as used in this context, are appropriate where the magistrate judge has issued a report and recommendation on a dispositive motion, most typically pursuant to Federal Rules of Civil Procedure 12, 27, or 56. 28 U.S.C. § 636(b)(1). For most other non-dispositive motions, this court's reference to the magistrate judge vests him with the power to hear and determine the issue. 28 U.S.C. § 636(b)(1)(A).

Plaintiffs retain a right to have the court reconsider the magistrate judge's

determinations, however, “where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.” *Id.* As such, the court will construe Plaintiff's current “objections” as seeking reconsideration of the magistrate judge's March 4, 2009 order.

Plaintiff's motions sought, amongst other discovery, more complete answers to interrogatories and certain medical records. Much like his motions, his current filing argues that Defendant's answers have been insufficient and that medical records have not been provided. (Pl.'s Mot. 2-12.) But Plaintiff does not demonstrate how “the magistrate judge's order is clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A). Further, the magistrate judge determined, “[i]f this case survives summary judgment, Plaintiff may seek appointment of counsel” in a subsequent motion. (3/4/09 Order at 2.) Plaintiff argues that his “mental illness, mood disorder, minimal brain damage and . . . medications” require the court to appoint him counsel. (Pl.'s Mot. at 13.) But Plaintiff does not point the court to a clear error by the magistrate judge in reaching his conclusion that Plaintiff's motion should be denied, for now. As such, and absent any demonstration that the magistrate judge's order denying Plaintiff's motions was clearly erroneous or contrary to law, the court will not disturb the magistrate judge's determination.

Accordingly, IT IS ORDERED that Plaintiff's “Objections” [Dkt. # 36] are REJECTED.

IT IS FURTHER ORDERED that the magistrate judge's "Order Denying Plaintiff's Motions" [Dkt. # 27] is AFFIRMED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 20, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522